



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Temporary Use Special Exception Corner Concessions Map 52, Lot 33

March 17, 2016

Applicant: **Corner Concessions**
 P.O. Box 1034
 Moultonborough, NH 03254
Location: **1009 Whittier Highway, Moultonborough, NH (Tax Map 52, Lot 33)**

On March 16, 2016, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Corner Concessions (hereinafter referred to as the "Applicant" and/or "Owner") for an application for a Temporary Use Special Exception under MZO Article XI. C to allow the use of a mobile hot dog/ice cream cart on the parcel located in the Village C Zoning District at 1009 Whittier Highway.

Based on the application, testimony given at the hearing, and supporting documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 1009 Whittier Highway, Moultonborough, NH (Tax Map 52, Lot 33).
- 2) Lamprey-Porter House, LLC is the owner of record for the lot.
- 3) The lot is located in the Village C Zoning District.
- 4) The proposal is to allow the use of a mobile hot dog/ice cream cart on the lot.
- 5) Tricia Conway, Robin Lamprey and Scott Lamprey presented the application to the Board.
- 6) No other members of the public were present for the Public Hearing.
- 7) The specific site is an appropriate location for the use as it is located adjacent to other commercial businesses in a commercial zoning district.
- 8) The use is compatible with the character of the neighborhood in the Commercial C Zoning District as it is located adjacent to other commercial businesses in a commercial zoning district.
- 9) The property values in the district will not be negatively impacted by the use in the district because uses such as these are expected by property owners and consistent with the theme of nearby tourist and food uses.

- 10) The capacity of existing roads to carry related traffic is sufficient to allow for the operation of the site as proposed without the need for upgrades or repairs of the roadway because there will be little to no use generated trips. The trips will be existing ones already on the highway.
- 11) On March 16, 2016, the Zoning Board of Adjustment voted, by a vote of five (5) in favor (Nolin, Bickford, St. Peter, Onthank, DeMeo) and none (0) opposed, to grant the request for a temporary use special exception, with the following conditions: 1) This approval shall be valid for six (6) months, beginning on May 1, 2016, ending on October 31, 2106; 2) The applicant must apply for and receive a health permit from the state; 3) The applicant must apply for and receive a hawkers & peddlers license from the state if required; 4) Customers' vehicles shall be parked in back of the existing building, with the exception of the two parallel parking spaces in front of the building; 5) The parking spaces are to be striped; 6) The ZBA may revoke the temporary use approval should any safety issues be observed and documented by the Code & Health Officer; 7) Signage is limited to one ground A-frame type sign no larger than 6 sq. ft. per side which shall not be placed within the limits of any highway right of way or private right of way or in such a position as to endanger traffic on a roadway by obscuring a clear view for entering or exiting vehicles or pedestrians; 8) The placement of the hot dog/ice cream cart is not to be further forward than the front of the existing building located at 1009 Whittier Highway; and further to close the Public Hearing. They moved to direct Staff to draft a formal Notice of Decision for review and approval for signing at the next meeting.

The Board of Adjustment, on April 20, 2016, approved this formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision, send to the applicant and place same in the case file by a vote of four (4) in favor (Nolin, Bickford, St. Peter, Jenny), none (0) opposed, and one (1) abstention (Stephens).

The decision made to grant the variance on March 16 2016, shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.


Robert H. Stephens
Chairman, Zoning Board of Adjustment

Date 4/25/2016